

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DAVID MATHIAS	:	CIVIL ACTION
	:	
v.	:	
	:	
ROBERT COLLINS, et al.	:	NO. 13-2002

ORDER

AND NOW, this 5th day of November, 2014, for the reasons set forth in the accompanying Memorandum, it is hereby ORDERED that:

(1) the August 26, 2014 Report and Recommendation of the Magistrate Judge (Doc. # 14) is ADOPTED except as it relates to the conviction and incarceration of petitioner David Mathias for first-degree murder;

(2) the Report and Recommendation is NOT ADOPTED as it relates to the conviction and incarceration of petitioner David Mathias for first-degree murder;

(3) the habeas corpus petition of David Mathias under 28 U.S.C. § 2254 is GRANTED only as to his conviction and incarceration for first-degree murder arising out of Criminal Action Number CP-51-CR-0808071-2005 in the Court of Common Pleas of Philadelphia County, Pennsylvania;

(4) unless the Commonwealth retries petitioner David Mathias within six months of the date of this order, he is released from custody on his sentence for first-degree murder only;

(5) this order has no effect on his incarceration for any sentence other than his sentence for first-degree murder; and

(6) no certificate of appealability is issued with respect to any matter in the Magistrate Judge's Report and Recommendation which the court has adopted.

BY THE COURT:

/s/ Harvey Bartle III

J.